



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4372**

Introduced 02/03/04, by Linda Chapa LaVia

**SYNOPSIS AS INTRODUCED:**

330 ILCS 60/3 from Ch. 126 1/2, par. 31  
330 ILCS 60/5.1  
330 ILCS 60/5.2

Amends the Service Men's Employment Tenure Act. Provides that persons in military service with the State of Illinois or in federal active duty service (instead of only in military service with the State) pursuant to the orders of the President of the United States or the Governor (instead of only the Governor) are entitled to certain rights in connection with a stay, postponement, or suspension of court proceedings and a monetary credit or refund of college tuition and fees. Effective immediately.

LRB093 19456 DRJ 46681 b

1 AN ACT concerning military service.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Service Men's Employment Tenure Act is  
5 amended by changing Sections 3, 5.1, and 5.2 as follows:

6 (330 ILCS 60/3) (from Ch. 126 1/2, par. 31)

7 Sec. 3. Definitions. The term "persons in the military  
8 service", as used in this Act, shall include the following  
9 persons and no others: All members of the Army of the United  
10 States, the United States Navy, the Marine Corps, the Air  
11 Force, the Coast Guard and all members of the State Militia  
12 called into the service or training of the United States of  
13 America or of this State. The term "military service", as used  
14 in this Act, shall signify Federal service or active duty with  
15 any branch of service heretofore referred to as well as  
16 training or education under the supervision of the United  
17 States preliminary to induction into the military service. The  
18 term "military service" also includes any period of active duty  
19 with the State of Illinois pursuant to the orders of the  
20 President of the United States or the Governor.

21 The foregoing definitions shall apply both to voluntary  
22 enlistment and to induction into service by draft or  
23 conscription.

24 The term "political subdivision", as used in this Act,  
25 means any unit of local government or school district.

26 (Source: P.A. 88-518.)

27 (330 ILCS 60/5.1)

28 Sec. 5.1. Stay of prosecution. During and for a period of  
29 14 days after a period of military service with the State of  
30 Illinois or in federal active duty service pursuant to the  
31 orders of the President of the United States or the Governor, a

1 court having jurisdiction over the enforcement of any civil  
2 obligation or liability, the prosecution of any civil suit or  
3 proceeding, or the entry or enforcement of any civil order,  
4 writ, judgment, or decree may stay, postpone, or suspend the  
5 matter if the court determines that a person's failure to meet  
6 the obligation is the direct result of the aforementioned  
7 period of military service. The stay, postponement, or  
8 suspension of proceedings does not in any way modify any  
9 condition, obligation, term, or liability agreed upon or  
10 incurred by a person in military service including but not  
11 limited to accrued interest, late fees, or penalties. No stay,  
12 postponement, or suspension shall be provided regarding any  
13 written agreement entered into, or debt that is incurred, by  
14 the person during or after his or her period of military  
15 service.

16 (Source: P.A. 88-518.)

17 (330 ILCS 60/5.2)

18 Sec. 5.2. School attendance and tuition. Any person in  
19 military service with the State of Illinois or in federal  
20 active duty service pursuant to the orders of the President of  
21 the United States or the Governor has the right to receive a  
22 full monetary credit or refund for funds paid to any Illinois  
23 public university, college or community college if the person  
24 is placed into a period of military service with the State of  
25 Illinois pursuant to the orders of the President of the United  
26 States or the Governor and is unable to attend the university  
27 or college for a period of 7 or more days. Withdrawal from the  
28 course shall not impact upon the final grade point average of  
29 the person. If any person who has been enrolled in any Illinois  
30 public university, college, or community college is unable to  
31 process his or her enrollment for the upcoming term, he or she  
32 shall have any and all late penalties and or charges set aside,  
33 including any and all late processing fees for books, lab fees,  
34 and all items that were not in place because the person was  
35 engaged in military service and was unable to enroll in the

1 courses at the appropriate time. The rights set forth in this  
2 Section ~~Sec.~~ are in addition to any rights afforded to persons  
3 in military service with the State of Illinois or in federal  
4 active duty service pursuant to the orders of the President of  
5 the United States or the Governor under the policies of an  
6 Illinois public university, college, or community college.

7 (Source: P.A. 88-518.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.